

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC  
# 10

In re Patent Application of:

**KIM A. ANDERSON ET AL.**

Serial No. **09/995,257**

Filing Date: **November 27, 2001**

For: **IDENTIFICATION SYSTEM AND  
METHOD FOR DETERMINING THE  
GEOGRAPHIC ORIGIN OF A FRESH  
COMMODITY**

Art Unit: **2122**

Commissioner for Patents, USPTO  
Office of Petitions  
Crystal Plaza Four, Suite CP4-3C23  
2201 South Clark Place  
Arlington, VA 22202

**RESPONSE TO LETTER HOLDING DECISION IN  
ABEYANCE AND REQUESTING SUBMISSION OF DOCUMENTS**

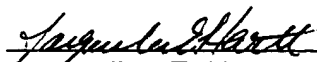
In response to the above-referenced "Letter Holding Decision in Abeyance," dated May 27, 2003, please reconsider the petition under 37 CFR 1.47(b) in light of the enclosed documents.

Pursuant to item (1), a statement under 37 CFR 3.73(b) is enclosed, signed by Vice President Patrick J. Kole on behalf of the Idaho Potato Commission, now sole assignee of the above-referenced invention. A copy of the assignment is also enclosed, which was submitted for recordation on April 15, 2003, recordation details for which have not yet been received back from the Assignment Division.

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Pursuant to item (2), a supplemental declaration is also enclosed, also signed by Attorney Kole, pursuant to MPEP 409.03(b). From the material under footnote 2, it would appear that this may not be necessary, since the assignment already has been executed; however, this document is being supplied in an excess of caution.

Respectfully submitted,



Jacqueline E. Hartt, Ph.D.

Reg. No. 37,845

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

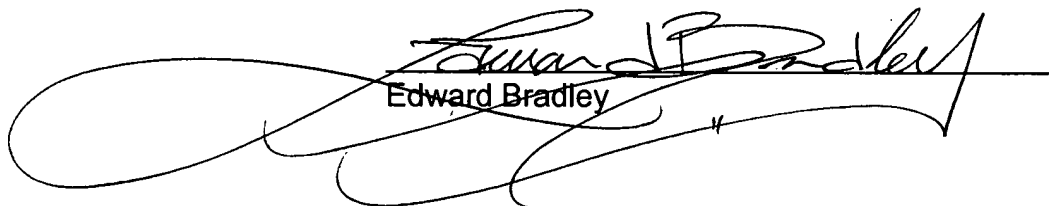
Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 26<sup>TH</sup> day of June, 2003.



Edward Bradley



SERIAL/PATENT NO. 09/995,257 FILED/ISSUED November 27, 2001

APPLICANT Flori & Dept. of Citrus

KINDLY ACKNOWLEDGE RECEIPT OF ACCOMPANYING PAPERS WITH YOUR MAIL ROOM STAMP.

☒ \$ 40.00 check  
☒ Authorization - Deposit Account No. 01-0484  
☐ Utility application ☐ Provisional application  
\_\_\_\_\_ pages, \_\_\_\_\_ claims, \_\_\_\_\_ drawing sheets  
☐ CPA transmittal ☐ Continuation transmittal  
☐ Certificate of Express Mail Label No.: \_\_\_\_\_

☐ Declaration and Power of Attorney  
☒ Assignment w/Cover Sheet  
☐ Change of Correspondence Address  
☐ Response to Notice to File Missing Parts + copy  
☐ Citation Under 37 CFR § 1.97 (IDS)  
☐ Form PTO-1449 + copies of cited references  
☐ Response to Restriction Requirement  
☐ Amendment Transmittal Form  
☐ Amendment (Official Action of \_\_\_\_\_)  
☐ Request for Extension of Time (\_\_\_\_\_ mos.)  
☐ Notice of Appeal - \$320 large entity  
☐ Appellant's Appeal Brief (x3) - \$320 large entity

☐ Transmittal of Formal Drawings (\_\_\_\_\_ sheets)  
☐ Letter to Official Draftsman  
☐ Part B--Issue Fee Transmittal  
☐ Publication Fee Transmittal  
☐ PCT Request (\_\_\_\_\_ pp.) + Application (\_\_\_\_\_ pp.)  
☐ National Phase Transmittal Letter  
☐ Response to PCT Invitation to Correct Defects  
☐ Ch. II Demand ☐ Power of Attorney  
☐ Revocation of Prior Powers of Attorney and POA  
☐ Petition for \_\_\_\_\_ + \$130 Fee  
☐ Terminal Disclaimer + \$110 large entity  
☐ Request for Correction to Filing Receipt  
☐ Request for Correction to Assignment and/or cover  
☐ Transmittal of Certified Copy of Priority Document  
☐ Preliminary Amendment  
☐ Submission of Proposed Drawing Modification  
☐ Request Certificate of Correction + PTO 1050  
☐ Substitute specification (w/marked up version)  
☐ Other \_\_\_\_\_

4/15/03  
DATE

21652-UP1  
FILE NO.

Jacqueline Hart  
ATTORNEY

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Kim A. Anderson et al.Application No./Patent No.: 09/995,257 Filed/Issued Date: 11/27/2001Entitled: Identification System and Method for Determining the Geographic Origin of a Fresh CommodityIdaho Potato Commission, a government agency

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.

The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 9926/0083, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From the inventors to: Florida Department of Citrus and Idaho Potato Commission

The document was recorded in the United States Patent and Trademark Office at  
 Reel 9926, Frame 0083, or for which a copy thereof is attached.

2. From: Florida Department of Citrus To: Idaho Potato Commission

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

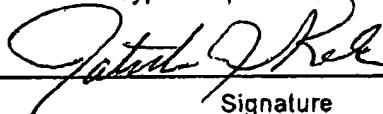
☒ Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Patrick J. Kole

Typed or printed name



Signature

Date June 20, 2003Vice President, Legal & Gov't

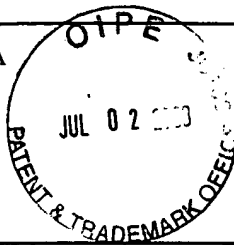
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- (X) New  
( ) Resubmission (Non-Recordation)  
Document ID#  
( ) Correction of PTO Error  
Reel # Frame #  
( ) Corrective Document  
Reel # Frame #

**Conveyance Type**

- (X) Assignment ( ) Security Agreement  
( ) License ( ) Change of Name  
( ) Merger ( ) Other

*U.S. Government*  
(For Use ONLY by U.S. Government Agencies)

( ) Departmental File ( ) Secret File

**Conveying Party(ies)**

( ) Mark if additional names of conveying parties attached

Execution Date  
Month Day Year  
**April 8, 2003**

Name (1) State of Florida, Department of Citrus  
Name (2) \_\_\_\_\_  
Name (3) \_\_\_\_\_  
Name (4) \_\_\_\_\_

Execution Date  
Month Day Year

**Receiving Party**

( ) Mark if additional names of receiving parties attached

( ) If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Name (line 1) Idaho Potato Commission  
Name (line 2) \_\_\_\_\_  
Address (line 1) 599 West Bannock  
Address (line 2) P.O. Box 1068  
Address (line 3) Boise, ID 83701  
City State or Country Zip Code

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name \_\_\_\_\_  
Address (line 1) \_\_\_\_\_  
Address (line 2) \_\_\_\_\_  
Address (line 3) \_\_\_\_\_  
Address (line 4) \_\_\_\_\_

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address	Area Code and Telephone Number	<b>(407) 841-2330</b>
Name	<b>Jacqueline E. Hartt</b>	
Address (line 1)	<b>Allen, Dyer, Dopp It, Milbrath &amp; Gilchrist, P.A.</b>	
Address (line 2)	<b>255 South Orange Avenue, Suite 1401</b>	
Address (line 3)	<b>Post Office Box 3791</b>	
Address (line 4)	<b>Orlando, FL 32801-3791</b>	

Pages	Enter the total number of pages of the attached conveyance document including any attachments.	# <b>2</b>
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Application Number(s) or Patent Number(s) ( ) Mark if additional numbers attached

*Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).*

Patent Application Number(s)

**09/995,257**

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

### Patent Cooperation Treat (PCT)

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT

PCT

PCT

PCT

PCT

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Number of Properties Enter the total number of properties involved. # **1**

Fee Amount	Fee Amount for Properties Listed (37 CFR 3.41):	\$ <b>40.00</b>
Method of Payment:	Enclosed (X) Deposit Account ( )	
(Enter for payment by deposit account or if additional fees can be charged to the account.)		
	Deposit Account Number:	# <b>01-0484</b>
Authorization to charge additional fees: Yes (X) No ( )		

### Statement and Signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

**Jacquelin E. Hartt**  
Name of Person Signing

  
Signature

**April 14, 2003**  
Date

## ASSIGNMENT

WHEREAS, the **State of Florida Department of Citrus**, located in Lakeland, Florida, hereinafter referred to as Assignor, is the owner of an undivided one-half interest in U.S. Patent Application Serial No. 09/995,257, hereinafter referred to as the Patent Application, filed on November 27, 2001;

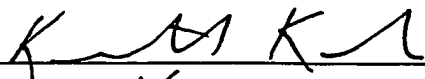
WHEREAS, **Idaho Potato Commission**, located in Boise, Idaho, hereinafter referred to as Assignee, is desirous of acquiring the same;

NOW THEREFORE, for good and valuable consideration, receipt whereof is hereby acknowledged, Assignor does hereby sell, assign and transfer to Assignee, its successors and assigns, all right, title and interest in and to the Patent Application, any and all patents issuing therefrom, the invention or inventions therein shown and described, and any improvements on said inventions heretofore or hereafter made, any divisions or continuations of said patents, and all patents, United States and foreign, to be granted for the invention or inventions thereof, and any reissues, continuations or extensions of said patents. Assignor does hereby authorize and request the Commissioner of Patents to issue all patents on the Patent Application or for the invention or inventions hereof, in accordance with this assignment.

Assignor hereby covenants and agrees that Assignor is the owner of the full title herein conveyed and has the right to convey the same, and agrees that Assignor will communicate to Assignee any facts known to Assignor respecting the Patent Application, and the invention or inventions, and testify in any legal proceedings when called upon by Assignee, sign all lawful papers deemed by Assignee as expedient to vest in it the legal title herein sought to be conveyed or for the filing and prosecution of all applications and patents, United States and foreign, and otherwise aid Assignee, its successors and assigns, in obtaining full patent protection on said invention and enforcing proper protection under said patents, but in every instance at the Assignee's expense.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8<sup>th</sup> day of April, 2003.

STATE OF FLORIDA DEPARTMENT OF CITRUS

By:   
Name: KEN KECK  
Title: GENERAL COUNSEL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

**KIM A. ANDERSON ET AL.**

Serial No. 09/995,257

Filing Date: November 27, 2001

For: **IDENTIFICATION SYSTEM AND  
METHOD FOR DETERMINING THE  
GEOGRAPHIC ORIGIN OF A FRESH  
COMMODITY**

Art Unit: 2122

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL DECLARATION  
AND PETITION OF PATRICK J. KOLE UNDER 37 CFR 1.47(b)**

I, Patrick J. Kole, do hereby declare and say as follows:

1. I am Vice President – Legal & Govt. of the Idaho Potato Commission, now sole assignee of the above-referenced application.
2. It is my understanding and belief that co-inventors Kim A. Anderson, Brian Smith, and Bernadene Magnuson have refused to execute the above-referenced application for the above-referenced continuation-in-part application.
3. The work and development by the co-inventors was within the scope of their employment with the Idaho Potato Commission, Assignee, which has previously been attested to by a "Renewed Petition under 37 CFR 1.47(b)" signed by the undersigned.
4. A second Statement under 37 CFR 3.73(b) signed by Attorney Kole is also enclosed, which attaches a copy of the Assignment from the Florida Department of Citrus to the Idaho Potato Commission.

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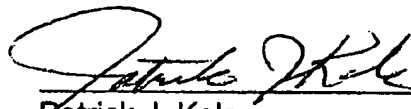
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5. This invention is continuing to be developed by the Idaho Potato Commission, and is thus believed to represent an important property thereof, additional protection for which is being sought with the filing of the above-referenced patent application. Therefore, it is believed that a lack of such protection would be damaging to the Idaho Potato Commission, which has invested in this invention.

6. I hereby declare that all statements made herein are of my own accord and are true and that all statements are made on available information; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title XVIII of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 20, 2003



Patrick J. Kole  
Vice President - Legal & Govt.  
Idaho Potato Commission